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8 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA, ) No. CR 08- 00155- RMW  
14 Plaintiff, )  
15 v. ) STIPULATION AND []  
16 ROBERT DUBOIS, ) ORDER EXCLUDING TIME  
17 Defendants. ) SAN JOSE VENUE  
18 \_\_\_\_\_)

20 On April 21, 2008, the parties in this case appeared before the Court for status conference.

21 The parties jointly requested that the case be continued from, April 21, 2008 until May 19, 2008  
22 at 9:00 a.m. in order for counsel for defendant and the Government to discuss a possible  
23 resolution of the case. In addition, the parties requested an exclusion of time under the Speedy  
24 Trial Act from April 21, 2008 until May 19, 2008 at 9:00 a.m. The parties agree and stipulate  
25 that an exclusion of time is appropriate based on the defendant's need for effective preparation  
26 of counsel.  
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1 SO STIPULATED:

JOSEPH P. RUSSONIELLO  
United States Attorney

3 DATED: 5/2/08

THOMAS M. O'CONNELL  
Assistant United States Attorney

6 DATED: 5/2/08

JAMES MCNAIR THOMPSON  
Counsel for ROBERT DUBOIS

9 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded  
10 under the Speedy Trial Act from April 21, 2008 until May 19, 2008. The Court finds, based on  
11 the aforementioned reasons, that the ends of justice served by granting the requested continuance  
12 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant  
13 the requested continuance would deny defense counsel reasonable time necessary for effective  
14 preparation, taking into account the exercise of due diligence, and would result in a miscarriage  
15 of justice. The Court therefore concludes that this exclusion of time should be made under 18  
16 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

17 SO ORDERED.

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19 DATED: 5/14/08

*Ronald M. Whyte*  
RONALD M. WHYTE  
United States District Judge

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